

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

AMOS LEE DRYER,

Plaintiff,

v.

KEVIN ROBERTS, ET. AL.,

Defendants.

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1:05-CV-161 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. No. 55), filed February 21, 2008. It is recommended that Defendants' motion for summary judgment (Doc. No. 41) be granted. Plaintiff has filed an objection but it is not timely. (Doc. No. 63).

The Magistrate Judge granted Plaintiff an extension of time to file his objection. (Doc. No. 61). Specifically, the Magistrate Judge stated: "The Prison Mailbox Rule notwithstanding, any objection plaintiff may wish to file to the aforementioned recommendation must be received in the Office of the Clerk of Court on or before the close of business on Monday, March 24, 2008." (Doc. No. 61). Plaintiff's objection is dated March 23, 2008 and was received on March 27, 2008. Plaintiff's objection was not timely filed.

Even so, Plaintiff's objection clearly reargues issues argued and addressed by the Magistrate Judge. The record is clear that Plaintiff failed to exhaust his administrative remedies and that such failure precludes this lawsuit. Alexander v. Hawk, 159 F.3d 132 (11th Cir. 1998).

Upon full consideration of the record, the Court finds that said Recommendation should be, and hereby is, **ACCEPTED, ADOPTED** and made the order of this Court for reason of the findings and reasons set out therein and for the reason of the findings and

reasons set out herein. Accordingly, Defendants' motion for summary judgment (Doc. No. 41) is **GRANTED**.

SO ORDERED, this 31st day of March, 2008.

/s/W.Louis Sands
W. Louis Sands, Judge
United States District Court